

November 3, 2014

To: William Cosh

Re: Massive Regulatory Failure

*"The proliferation of contaminated wells represents a **massive regulatory failure** to protect groundwater in the Town of Lincoln...the department needs to utilize its clear regulatory authority to require groundwater monitoring to enhance its ability to prevent further groundwater contamination"...* Judge Jeffrey Boldt

Mr. Cosh:

Many Kewaunee County citizens are **outraged** by your response and suggestion that Judge Boldt's statement "massive regulatory failure" was referring to the 'body of regulation as a whole as being inadequate', or that he "declined to fault DNR over the county health departments and other regulatory entities shown in the record to play a role in safe drinking water." While there is enough room—and contamination—to place blame with other entities regarding Judge Boldt's commentary, we believe that its intent was clearly directed to the DNR agency. Mr. Cosh, is it not the DNR who is the responsible party and permitting agency? I, and others, find the DNR's lack of responsibility—and lack of *acknowledgement* of its responsibility-- to our community and its citizens --beyond negligent; furthermore described by Judge Boldt as "deplorable"... the "condition of the area's groundwater a 'crisis'." Judge Boldt stated at the Kinnard court hearing, that in all of his 22 years of service--he had never heard the kinds of testimonies he had heard the previous night.

At the DNR Kinnard public hearing, prior to expansion and the petition challenge--your DNR department—including Tom Bauman, engineer Gretchen Wheat, and a host of other DNR employees, discussed with citizenry the "Kinnard expansion" and what it would mean for our community. My family was at that meeting. If not for my husband, [REDACTED], telling Tom Bauman at this public forum, that the EPA standards were for concrete lined manure containment in karst areas, such as the Town of Lincoln—we believe the first plans drawn--for a clay lined pit-- would have been dug, in an area 3 feet to groundwater on karst bedrock. Gretchen Wheat described the proposed manure storage as one being "the lions share" while the other would be "smaller" at this hearing. Only at my pressing was the full manure containment numbers disclosed, *a whopping 76 million gallons in a karst region, with the ability to top off at 82 million gallons, with the **full knowledge** of the karst geology present and the **already widespread contamination** ensuing in these regions in our county.* The DNR *was aware*.

Town of Lincoln has long been plagued with high contamination issues due to years of negligent farm practices and karst geological features. In 2004, contamination and winter spreading in that region of the county sent the entire [Ex. 6 Personal Privacy (PP)] family to the hospital and their infant daughter to intensive care with e-coli poisoning. [Ex. 6 Personal Privacy (PP)] was one of those voices speaking out at your public hearing. Your agency, the DNR, *was aware*. The wheels of this expansion were in motion and the odds favored big business over Kewaunee's citizen's water, homes, health and futures. The Kinnard history has not been one that reflected best management practices, and at best, struggled as a "smaller farm" to stay in compliance. The DNR was *very* aware of the history of this area, and its already contaminated state, and allowed this massive expansion to proceed, despite having all of the information necessary to evaluate that this expansion, quite literally, had the potential to cause *further* mass contamination-- not only to the Lincoln Township-- but all of Kewaunee County. The manure containment, animal numbers, lack of land for spreading, and a multitude of variables should have been *closely* examined before the permitting process proceeded. Your agency's lack of responsibility to Kewaunee's citizens will result in untold catastrophic consequences *continuing* to play out here, at an even greater degree than are currently present..."**massive regulatory failure**".

While DNR's Casey Jones casually stated that homeowners on [Ex. 6 Personal Privacy (PP)] and surrounding areas would indeed be "looking out on a very large farm operation", families with young children cried, prayed, and packed their bags—leaving the places they called home, with family and grandparents and generational ties to their properties-- behind them. Eight families immediately vacated their homes in this area. The Kinnard Farm bought two of the homes. [Ex. 6 Personal Privacy (PP)] home, on [Ex. 6 Personal Privacy (PP)] whose front picture window looks out on the manure lagoons and silage pad of plastic and tires, sold to Kinnards, which then used their former home as a meeting place for contractors in this rural residential area. Children who used to play outdoors now try to stay away from the dust blowing off the construction area, dust that now that covers the family's home, camper, and cars. Heavy machinery sounds at the Kinnard production site in the early hours of 3am or 4am in the morning, the beep, beep, beep of heavy equipment echoing, awakening sleeping individuals.

The continuation of permitting that displaces families from their homes, poisons them, and continues the threats of ruination of their lives and health is clearly beyond irresponsible. This is a **complete and total travesty**—not only here in Kewaunee, but to the entire state of Wisconsin, its proud agricultural heritage, and to citizens **basic fundamental human rights**, found in our Constitution and the Public Trust Doctrine. While the DNR has been busily "collaborating" with the industry, and becoming one of its greatest "promoters"—a job you are **Not** Designated for, my community and our natural resources--- have been the collateral damages for Wisconsin's "Open for Business". The moral and ethical responsibilities your agency had to the public's health and safety-- have not only been severely and grossly violated, they *never* were part of the bigger picture or discussion that took place... ever.

The citizenry living out here are *highly* aware of the DNR agents who have almost lost their jobs due to them actually **doing their jobs**, and the care and compassion they portrayed to the citizenry living out here. We are grateful for the DNR agents who have put their jobs on the line to help us, and continue to help us, despite the limitations of the DNR, who have answered to the higher calling of **humanity**, and compassion for the individuals who desperately need it in Kewaunee County.

Regardless of any statements made by yourself or your agency, Mr. Cosh, the resulting failure of the DNR, its permitting process, and the obvious continued results of mass contamination in our county **Are** the Department of Natural Resources responsibility, *and* will continue to be your responsibility. The DNR must recognize that it is in its final days of its continued negligence to the rural citizenry that must live with your failed permitting process and resulting failing enforcement and compliance regimes that are also a colossal failure, leaving citizenry **repetitively** exposed to the hazards of BAD MANAGEMENT PRACTICES [BMP's] that have the ability to ruin real people's water, homes, health and futures. Let there be no confusion. You, Mr. Cosh, and the DNR agency are responsible for "Massive Regulatory Failure" and the now looming status of our former beautiful community-- referenced by many now *nationally* as the "next Yakima Valley".

Your department's statement that "no one is disputing that groundwater is a problem in Kewaunee County", was the **first** that any of us living here have ever heard of actual **admittance** of our grotesque contamination problems by the WDNR.

I have forwarded this letter to DNR Secretary Cathy Stepp, DATCP Secretary Ben Brancel, Secretary Kitty Rhoades at the Department of Health Services, and my local health department as well. If there exists other entities that you feel should receive this correspondence, that **you, and the DNR**, feel are responsible as well, please feel free to forward. Kewaunee County citizens will now expect **all** regulatory entities to now become part of the discussion moving forward, as implicated through your statements representing the DNR's position.

With Complete Knowledge of Responsible Parties to this **"massive regulatory failure"**,

Ex. 6 Personal Privacy (PP)

Kewaunee, Wisconsin

Cc: Susan Hedman EPA, Cheryl Burdett EPA, Tinka Hyde EPA, MEA Sarah Williams, Tarah Heinzen Environmental Integrity Project, Alan Covin, DNR Chair Preston Cole, DNR Secretary Cathy Stepp, DATCP Secretary Ben Brancel, Secretary Kitty Rhoades, Kewaunee County Health Department, Ben Englebrecht President WI Towns Association, Laurie Ross, Ron Seely, Kate Golden, Lee Berquist, Pete Frank

